

**R E M A R K S**

Reconsideration of this application, as amended, is respectfully requested.

**THE CLAIMS**

Claim 1 has been amended to clarify the feature of the present invention whereby the communication section performs image data communication by transmitting a mail indicating image data via a mail transmission system, and to recite that the facsimile apparatus comprises a section which writes an important mail flag in the mail in accordance with an instruction made by a user when the user requests transmission of the image data (as supported by the disclosure in the specification at, for example, page 12, lines 9-16), wherein the delivery confirmation mail includes an important flag if the important mail flag is written in the mail transmitted by the communication section (as supported by the disclosure in the specification at, for example, page 16, lines 2-4 and page 16, line 26 to page 17, line 3).

In addition, claim 1 has been amended to clarify the features of the present invention whereby the control section causes the printer to print an image based on the delivery confirmation mail if at least one of: (i) the important mail flag is included in the delivery confirmation mail and (ii) the determining section has determined that the delivery confirmation

mail notifies the delivery failure, and whereby the control section causes the printer not to print an image based on the delivery confirmation mail if both: (i) the important mail flag is not included in the delivery confirmation mail and (ii) the determining section has determined that the delivery confirmation mail notifies the delivery success, as supported by the disclosure in the specification at, for example, page 16, line 2 to page 17, line 18, and by the disclosure in Fig. 5 (see steps S26-S33).

Still further, claim 3 has been amended to better accord with amended independent claim 1.

Independent claims 8 and 12, moreover, have been amended in a similar manner to independent claim 1, and claims 11 and 14 have been amended in a similar manner to claim 3.

No new matter has been added, and it is respectfully requested that the amendments to the claims be approved and entered.

#### THE PRIOR ART REJECTION

Claims 1-3, 8 and 11-14 were rejected under 35 USC 102 as being anticipated by US 2004/0174559 ("Mori"). This rejection, however, is respectfully traversed with respect to the claims as amended hereinabove.

According to the present invention as recited in amended independent claims 1, 8 and 12, image data communication is performed by transmitting a mail indicating image data via a mail transmission system. In addition, according to the present invention as recited in amended independent claims 1, 8 and 12, an important mail flag is written in the mail in accordance with an instruction made by a user when the user requests transmission of the image data, wherein the delivery confirmation mail includes the important mail flag if the important mail flag is written in the transmitted mail (transmitted by the communication section or the communication means).

Still further, according to the present invention as recited in amended independent claims 1, 8 and 12, the printer is caused to print an image based on the delivery confirmation mail if at least one of: (i) the important mail flag is included in the delivery confirmation mail and (ii) it has been determined that the delivery confirmation mail notifies the delivery failure, and the printer is caused not to print an image based on the delivery confirmation mail if both: (i) the important mail flag is not included in the delivery confirmation mail and (ii) it has been determined that the delivery confirmation mail notifies the delivery success.

That is, according to the present invention as recited in amended independent claims 1, 8 and 12, the printer is caused to

print an image based on the delivery confirmation mail if the important mail flag is included in the delivery confirmation mail and/or if it has been determined that the delivery confirmation mail notifies the delivery failure. On the other hand, the printer is caused not to print an image based on the delivery confirmation mail if both the important mail flag is not included in the delivery confirmation mail and it has been determined that the delivery confirmation mail notifies the delivery success.

Stated differently, according to the present invention as recited in amended independent claims 1, 8 and 12, if, when the user requests transmission of the image data, the user makes an instruction to write the important mail flag in the mail, then the image based on the delivery confirmation mail is printed whether or not the delivery confirmation mail notifies delivery failure (or delivery success). On the other hand, if, when the user requests transmission of the image data, the user does not make an instruction to write the important mail flag in the mail (i.e., if the delivery confirmation mail does not include the important mail flag), then the image based on the delivery confirmation mail is printed only if the delivery confirmation mail notifies delivery failure (and the image is not printed if delivery success is notified by the delivery confirmation mail).

Accordingly, with the structure of the present invention as recited in amended independent claims 1, 8 and 12, for every

communication (when the user requests transmission of image data) the user can arbitrarily set whether the image based on the delivery confirmation mail should be printed only if the delivery confirmation mail notifies the delivery failure or irrespective of the contents of notification of the delivery confirmation mail. With this structure, the setting can be executed in accordance with the contents of the transmitted image data at the transmission time of the image data.

It is respectfully submitted that Mori does not disclose, teach or suggest this feature of the present invention.

That is, Mori discloses that switches (S1 to S4 in Fig. 10) can be set to select that all confirmation mails are to be printed (switch S1) or transferred by mail (switch S4) or to select that only incoming confirmation mail indicating errors are printed (switch S2) or transferred by mail (switch S3). And, according to Mori, when an incoming mail is determined to be delivery confirming mail (yes at step 601 in Fig. 11), which switch is set is determined in order to determine whether the received delivery confirming mail is to be printed. Thus, Mori discloses creating settings to apply to all incoming confirmation mail.

By contrast, with the structure of the present invention as recited in amended independent claims 1, 8 and 12, a user selects for a particular mail whose transmission is currently requested,

whether or not an important mail flag is to be written in the mail. Accordingly, with the structure of the claimed present invention, in contrast to the structure disclosed by Mori, a user is able to designate (by instructing the writing of the important mail flag) for a specific outgoing mail that the delivery confirmation mail should be printed whether or not delivery of the mail is a success (or a failure), and the user is able to designate (by not instructing the writing of the important mail flag) for a specific outgoing mail that the delivery confirmation mail should be printed only if an error (failure) occurs.

It is respectfully submitted that Mori clearly does not disclose, teach or suggest these features of the present invention as recited in amended independent claims 1, 8 and 12.

In view of the foregoing, it is respectfully submitted that the present invention as recited in amended independent claims 1, 8 and 12, and claims 3, 11 and 14 respectively depending therefrom, clearly patentably distinguishes over Mori under 35 USC 102 as well as under 35 USC 103.

\* \* \* \* \*

Entry of this Amendment, allowance of the claims and the passing of this application to issue are respectfully solicited.

Application No. 10/079,555  
Response to Office Action

Customer No. 01933

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned for prompt action.

Respectfully submitted,

/Douglas Holtz/

Douglas Holtz  
Reg. No. 33,902

Frishauf, Holtz, Goodman & Chick, P.C.  
220 Fifth Avenue - 16<sup>th</sup> Floor  
New York, NY 10001-7708  
Tel. No. (212) 319-4900  
DH:nps/iv